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OFFICE OF PETITIONS

In re Application of
Vock, et al.
Application No. 10/601,208
Filed: June 20, 2003
Attorney Docket No. 409512
For: PRODUCT INTEGRITY SYSTEMS
AND ASSOCIATED METHODS

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: DECISION ON
: PETITION
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This is a decision on the petition filed December 10, 2003 requesting that Figures 58 and 59 be accorded a filing date of June 20, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on June 20, 2003. On November 5, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" informing petitioners that Figures 58 and 59, as described in the specification, appeared to have been omitted.

Petitioners request that Figures 58 and 59 be accorded a filing date of July 20, 2003 on the basis that 45 sheets of formal drawing figures, including Figures 58 and 59, were received in the Patent and Trademark Office (PTO) on June 20, 2003. In support, the instant petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing June 20, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 45 sheets of drawings depicting Figures 1-73.

The return postcard constitutes *prima facie* evidence that 45 sheets of drawing figures were filed on June 20, 2003. MPEP 503. A review of the application file reveals that there are 44 sheets of drawing figures present. The missing sheet of drawings is 37/45, which corresponds to that which would have contained Figures 58 and 59.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. Pursuant to petitioners' authorization, deposit account no. 12-0600 will be credited the \$130.00 petition fee.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **July 20, 2003**, using the copy of Figures 58 and 59 submitted with the instant petition. Office records will be corrected to show that 45 sheets of drawings were present on initial filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

A handwritten signature in cursive script, reading "E. Shirene Willis".

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions